

IN THE SENATE OF THE UNITED STATES.

MAY 9, 1860.—Ordered to be printed.

Mr. DAVIS submitted the following

REPORT.

*The Committee on Military Affairs and the Militia, to whom was referred the memorial of Dr. C. F. Alexander, in relation to his rank in the Medical Corps of the Army, having had the same under consideration, report:*

The circumstances of the case are as follows: The memorialist, with some twenty other candidates for appointment as assistant surgeons in the army, was invited by the Secretary of War to appear before the board of medical examiners, at Newport, Kentucky, in August, 1856. The act of 30th June, 1834, requires these examinations, and the regulation is that those who are so examined and passed "will receive appointments and take rank in the medical corps agreeably to their relative merits," as reported by the board.

On the 19th August, 1856, while these examinations were going on, the Surgeon General requested the president of the board to communicate the names of such candidates as had been examined and found qualified for appointment; and on the 23d of that month, before Dr. Alexander was examined, the president of the board communicated the names of seven persons, being all who had then passed the examination, and, in view of the proximate adjournment of the Senate, they were nominated, on the 28th August, 1856, to, and confirmed by, the Senate, in the order of merit assigned to them by the board, viz: 1, Heger; 2, Wall; 3, Brewer; 4, Babcock; 5, Covey; 6, Lynde; 7, Craig; and in that order they stood upon the register.

The board made a final report after Congress had adjourned, and classified all the candidates who had passed their examination during its entire session in one list, as follows: 1, Alexander; 2, Heger; 3, Wall; 4, Brewer; 5, Babcock; 6, Simons; 7, Clements; 8, Covey; 9, Craig; 10, Lynde; thus confounding those who had been confirmed with those who were waiting appointments, as preferred candidates for vacancies which might occur.

The memorialist, who was subsequently appointed to fill a vacancy in the medical staff, claims that injustice has been done to him, and that he is entitled to rank those of his class who were reported by the board of examiners as below him in the order of merit.

The committee decide that there was no irregularity in the nomination of the list to be assistant surgeons on the 28th August, 1856, nor

in their confirmation, so as to invalidate their commissions, and that Dr. Alexander cannot now be commissioned for a date anterior to his appointment in the army, indeed, to his examination by the board of surgeons. They, therefore, report that the Senate cannot exercise any jurisdiction in the case, and ask to be discharged from its further consideration.